

Julie Masters, Mayor
Charles Suderman
Bruce Henderson
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats, Mayor Pro Tem
Louis Decker
William H. King III
Julie M. Robinson, City
Administrator

August 23, 2016

NOTICE is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **TUESDAY, August 23, 2016, at 7:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM:

Invocation and Pledge of Allegiance.

Mayor Masters called the meeting to order at 7:02 p.m. City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro-Tem Wally Deats, and Council Members Charles Suderman, Bruce Henderson, Walter Wilson, Louis Decker and William H. King, III. Also present were City Administrator Julie Robinson, Management Assistant Bryan Milward, Administrative Services Manager Stephanie Russell, Director of Community Development Zachary Meadows, and Police Chief Ron Morales. Dr. Evelyn McDaniel with Greater New Hope Missionary Baptist Church gave the invocation, and Council Member Henderson led the Pledge of Allegiance.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council Comments:

- Welcome and thank you to all attending.
- Congratulations to Council Member King, who recently celebrated his 24th year as Pastor of his church, and thank you to Mayor Masters for attending the celebration.
- Mount Carmel Baptist Church held a "Jesus is Real" event on August 20, 2016.
- Council Member King attended a brick-laying ceremony at the Police Department at which Crime Victim Liaison Nelda Harles honored three citizens: two Blue Santa volunteers and Linda Rogers, the wife of Jailer Mike Rogers. Mrs. Rogers recently passed away.
- Council Member King watched a Dickinson High School scrimmage game and wishes the team well this season.
- Dickinson Independent School District resumes classes tomorrow, so please be patient and careful as over 11,000 students head back to school.

- The new Lobit Elementary and Middle Schools are now open and are great facilities.
- Condolences to the family of Scott Williams, who recently passed away. Mr. Williams was a good man and journalist.
- The Hughes Road fifth-grade school recently held an open house. The event caused vehicles to be parked all the way back to Longshadow Drive.
- The new Lobit Education Village has been causing long backups on FM 517. The Texas Department of Transportation is working on installing the approved traffic light requested by DISD near the facility to alleviate the problem.
- The Knights of Columbus will host a Fish Fry on Friday, September 2, 2016 from 5:00 p.m. through 7:30 p.m. at their facility at 27th Street and FM 1266. Raffle tickets are available.
- Starting on Saturday, September 24, 2016, the Festival of Lights will begin moving equipment into Paul Hopkins Park. Volunteers are needed on Saturdays and Sundays from 8:00 a.m. through 4:00 p.m. starting in October through to Thanksgiving.

ITEM 3.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

Jerry Armstrong, 2901 46th Street, Dickinson, Texas: Mr. Armstrong has placed his property for sale with the intention of moving out of Dickinson but has not yet been able to sell it. He asked for the City's cooperation in getting it sold by allowing a contractor the opportunity to repair the house on the property.

Walter Peacock, 1335 Regents Park Drive #260, Houston, Texas: The City Council is invited to attend a Sea Grant Texas "Resiliency Workshop" to be held on September 15, 2016 in La Marque. The Workshop is a hands-on opportunity to see the impact that potential developments would have in the community from a flooding and general resiliency standpoint.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

A. Approval of the Minutes of the Regular Council Meeting of August 9, 2016.

- B. Resolution XXX-2016 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE CHIEF OF POLICE IN SUBMITTING A GRANT APPLICATION FOR THE HELPING HEROES 2016 GRANT PROGRAM SPONSORED BY KOCH COMPANIES PUBLIC SECTOR, LLC; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.
- C. Resolution XXX-2016 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1432-2015 AND REVISING SECTION 5 OF RESOLUTION NUMBER 1208-2011 TO APPOINT BRYAN MILWARD AS A REPRESENTATIVE FOR THE CITY OF DICKINSON ON THE FAIR HOUSING WORK GROUP; PROVIDING FOR THE INCORPORATION OF PREAMBLE, A REPEALER CLAUSE, AND AN EFFECTIVE DATE.

Council Member Wilson made a motion to approve the Consent Agenda. Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

OLD BUSINESS

- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Activities of Houston-Galveston Area Council.

Council Member King provided an update of the activities of the Houston-Galveston Area Council meetings of July 19, 2016, which he attended, and of August 16, 2016, which he was unable to attend but for which he reviewed the audio recording.

NEW BUSINESS

- ITEM 6.) PUBLIC HEARING:** First Public Hearing on a Proposed Tax Rate of \$0.408610 per \$100 in Assessed Value For The Fiscal Year Beginning October 1, 2016, And Ending September 30, 2017.

Mayor Masters opened the Public Hearing at 7:21 p.m.

- A. Those in Favor.

None.

B. Those Opposed.

None.

C. Adjournment of Public Hearing.

Mayor Masters adjourned the Public Hearing at 7:22 p.m., then reopened the Public Hearing at 7:22 p.m. and made the following statement:

"The City of Dickinson's tax rate is scheduled for adoption on Tuesday, September 13, 2016, at 7:00 p.m., at a Regular City Council Meeting, to be held in the City of Dickinson Council Chambers, located at 4403 Highway 3, Dickinson, Texas 77539."

Mayor Masters adjourned the Public Hearing at 7:22 p.m.

ITEM 7.) PUBLIC HEARING CONCERNING: Zoning Case SUP-16-0372, A Request For A Specific Use Permit On Approximately 2.001 Acres For A "School" In The "NC" (Neighborhood Commercial) Zoning District, Legally Described As Dickinson Crossing (2006) Abstract 19, Lot A, 2.001 Acres, Generally Located South Of FM 517 And West Of Evergreen, With The Address Being 606 FM 517 West, Dickinson Texas 77539.

Mayor Masters opened the Public Hearing at 7:23 p.m.

A. Staff Presentation of Zoning Case.

Director of Community Development Zachary Meadows presented the request to Council, advising that it is for a preschool for special needs children. The Planning and Zoning Commission unanimously voted to recommend approval of the request.

B. Applicant's Statement.

None.

C. Those In Favor.

None.

D. Those Opposed.

None.

E. Applicant's Rebuttal.

None.

F. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 7:24 p.m.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – (Zoning Case SUP-16-0372) **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-16-0372 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A SCHOOL; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 2.001 ACRES IN DICKINSON CROSSING (2006) ABSTRACT 19, LOT A, 2.001 ACRES, MORE COMMONLY KNOWN AS 606 FM 517 WEST, GENERALLY LOCATED SOUTH OF FM 517 AND WEST OF EVERGREEN IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD COMMERCIAL (“NC”); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.** (First of Three Readings)

Mayor Masters read the ordinance by caption only. Council Member Henderson made a motion to approve the ordinance on first reading, and Council Member Decker seconded the motion. Council discussed the impact that allowing a preschool would have on the ability of future businesses to sell alcohol in the rest of the shopping center lease spaces. Council Member Henderson amended his motion to approve the ordinance on first reading contingent upon the applicant waiving their right to oppose a future business within the shopping center that sells alcohol, and Council Member Decker seconded the amended motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 9.) PUBLIC HEARING CONCERNING: Zoning Case ZMC-16-0715, A Request To Amend The Official Zoning Map Of The City Of Dickinson On Approximately +/- 1.515 Acres Legally Described As Abstract 19 Perry &

Austin Part Of Lot 105 Dickinson Addition D, Called Tract A On Attached Exhibit, Generally Located South Of Deats Road And East Of Lobit Drive, In The City Of Dickinson, Galveston County, Texas, From Conventional Residential (CR) To General Commercial (GC).

Mayor Masters opened the Public Hearing at 7:30 p.m.

A. Staff Presentation of Zoning Case.

Director of Community Development Zachary Meadows presented the request to Council. Mr. Meadows advised the Council that the Planning and Zoning Commission unanimously voted to recommend denial of the request.

B. Applicant's Statement.

Sigil Simon, Missouri City, Texas: Mr. Simon has been in business with his partners since 2007, and the group already owns and operates a gas and convenience store in Dickinson on the Northwest corner of FM 517 East and California Avenue. He and his partners would like to do another project that is new construction entirely in Dickinson, and this property lends itself to the requested General Commercial zoning designation.

C. Those In Favor.

None.

D. Those Opposed.

Steve Haskew, 735 Nottingham Lane, Dickinson, Texas: Mr. Haskew is a Board Member of the Sherwood Forest West Homeowner Association. He believes that the property should remain zoned Conventional Residential for several reasons, including that Deats Road is highly travelled and does not need the additional traffic, and the development would bring more noise and light pollution. Mr. Haskew used to ride bicycles, but the traffic on Deats Road became too heavy for safe passage. He asks that Council go with the recommendation of the Planning and Zoning Commission and deny the request to rezone.

George P. Pulliam, 3014 Crest Drive, Dickinson, Texas: Mr. Pulliam believes that approving the request would bring more traffic, trash, bright lights, screeching tires, and loud music to the area. The addition of more driveways would create a traffic hazard, and more concrete would add to the flooding problems in the area. Mr. Pulliam said that Dickinson has plenty of gas stations, and that any potential gas station on the lot would go out of business for lack of customers within ten years.

Miranda Engstrand, 3016 Crest Drive, Dickinson, Texas: Mrs. Engstrand rides her bicycle to the park with her child and is concerned that the rezoning would increase the amount of traffic, making the street more dangerous.

Bill Hora, 1306 Rosewood Lane, Dickinson, Texas: Mr. Hora is a 40-year resident of Dickinson and a proud homeowner. He believes that zoning exists to protect home values and is concerned that changing the zoning of the property would reduce home values in the area.

Elaine Wadkins, 3307 Lobit Drive, Dickinson, Texas: Ms. Wadkins has been a resident of Dickinson since 1995. She believes that the area around the property already has a great deal of vehicular and pedestrian traffic, and rezoning the property would only add to the problem and drive down home values. Currently, Lobit Drive itself is a quiet area with larger lots and a residential feel that is safe for children, and she would like to see that preserved.

John Crowly, 3015 Crest Drive, Dickinson, Texas: Mr. Crowly has resided in Dickinson for 49 years. He agrees with the concerns that the previous speakers have raised and added that he is concerned about flooding. Deats Road already floods between Colonial Drive and Lobit Drive, and any development of the lot would make the flooding worse.

Mary Dunbaugh, 2701 Colonial Drive, Dickinson, Texas: Ms. Dunbaugh is a 40-year resident of Dickinson and the President of the Colonial Estates Homeowners' Association. Ms. Dunbaugh agrees with the concerns that the previous speakers have raised and would like Deats Road to be preserved as a residential street, with the exception of the block or two leading up to Interstate 45 and the block or two leading up to State Highway 3.

E. Applicant's Rebuttal.

Mr. Simon acknowledged the concerns of the residents, and said that, just as Texas is experiencing growth, the Dickinson area will experience growth. He would like to work with the City and the community to make the proposed development fit in to the neighborhood. He said that as a businessman, it is in his best interest to invest in a high quality development that would also be a benefit to the area.

F. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 7:54 p.m.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – (Zoning Case ZMC-16-0715) **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, SO AS TO REZONE APPROXIMATELY +/- 1.515 ACRES, LEGALLY DESCRIBED AS ABSTRACT 19 PERRY & AUSTIN PART OF LOT 105 DICKINSON ADDITION D, CALLED TRACT A ON ATTACHED EXHIBIT, GENERALLY LOCATED SOUTH OF DEATS ROAD AND EAST OF LOBIT DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, FROM CONVENTIONAL RESIDENTIAL (CR) TO GENERAL COMMERCIAL (GC); DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.** (First of Three Readings)

Mayor Masters read the ordinance by caption only. Council Member Decker made a motion to deny the ordinance, and Council Member Wilson seconded the motion. Council advised the Mr. Simon that Dickinson is a business-friendly city, but the proposed location is just not the right place. Council encouraged Mr. Simon to search elsewhere in the city for a more suitable property. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 11.) PUBLIC HEARING CONCERNING: Zoning Case ZMC-16-0716, A Request To Amend The Official Zoning Map Of The City Of Dickinson On Approximately +/- 2.651 Acres Legally Described As Abstract 19 Perry & Austin Part Of Lot 105 Dickinson Addition D, Called Tract B On Attached Exhibit, Generally Located South Of Deats Road And East Of Lobit Drive, In The City Of Dickinson, Galveston County, Texas, From Conventional Residential (CR) To High Density Residential (HR).

Mayor Masters opened the Public Hearing at 8:01 p.m.

A. Staff Presentation of Zoning Case.

Director of Community Development Zachary Meadows presented the Request to Council. Mr. Meadows advised Council that the Planning and Zoning Commission unanimously voted to recommend denial of the request.

B. Applicant's Statement.

The applicant, Sigil Simon, informed Council that this rezoning request was contingent upon the first rezoning request being approved. Because the first request was denied, Mr. Simon withdrew this request.

C. Those In Favor.

None.

D. Those Opposed.

George P. Pulliam, 3014 Crest Drive, Dickinson, Texas: Mr. Pulliam acknowledged that the request was withdrawn but wanted to advise the Council that he was not against development on the property, just against that type of development.

E. Applicant's Rebuttal.

None.

F. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 8:07 p.m.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – (Zoning Case ZMC-16-0716) **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, SO AS TO REZONE APPROXIMATELY +/- 2.651 ACRES, LEGALLY DESCRIBED AS ABSTRACT 19 PERRY & AUSTIN PART OF LOT 105 DICKINSON ADDITION D, CALLED TRACT B ON ATTACHED EXHIBIT, GENERALLY LOCATED SOUTH OF DEATS ROAD AND EAST OF LOBIT DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, FROM CONVENTIONAL RESIDENTIAL (CR) TO HIGH DENSITY RESIDENTIAL (HR); DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (First of Three Readings)**

No action was needed on this item as the rezoning request was withdrawn in the previous item.

ITEM 13.) BRIEFING AND DISCUSSION CONCERNING: Quarterly Financial and Investment Report for Quarter Ending June 30, 2016.

Administrative Services Manager Stephanie Russell presented Council with the Quarterly Financial and Investment Report for the Quarter ending June 30, 2016, and addressed the questions of Council.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Recessing the Regularly Scheduled Meeting of the City Council in Order to Conduct Business as the City of Dickinson Employee Benefits Trust.

Council Member Wilson made a motion to recess the regularly scheduled meeting of the City Council in order to conduct business as the City of Dickinson Employee Benefits Trust, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

Mayor Masters recessed the Regular Meeting at 8:13 p.m.

ITEM 15.) RECONVENE

Mayor Masters reconvened the Regular Meeting at 8:15 p.m.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Accepting the Action of the City of Dickinson Employee Benefits Trust to Accept the Renewal Offer for Employee Medical and Pharmacy Insurance from Blue Cross Blue Shield, the Renewal Offer for Employee Dental Insurance from Guardian, the Renewal Offer for Life Insurance from Guardian, the Renewal Offer for Vision Insurance from Humana Comp Benefits, and the Renewal Offer for Long-Term Disability Insurance from Standard Insurance.

Council Member Wilson made a motion to accept the action of the City of Dickinson Employee Benefits Trust to accept the renewal offer for Employee Medical and Pharmacy Insurance from Blue Cross Blue Shield, the renewal offer for Employee Dental Insurance from Guardian, the renewal offer for Life Insurance from Guardian, the renewal offer for Vision Insurance from Humana Comp Benefits, and the renewal offer for Long-Term Disability Insurance from Standard Insurance. Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Re-Authorizing Funding of the City of Dickinson Employee Medical and Pharmacy Insurance and Dental Insurance and Authorizing the Transfer of Funds from the City of Dickinson's General Fund to the City of Dickinson Employee Benefits Trust Account As Needed to Pay Premiums as Presented by the Insurance Carrier(s).

Council Member Suderman made a motion to reauthorize funding of the City of Dickinson Employee Medical and Pharmacy Insurance and Dental Insurance and authorize the transfer of funds from the City of Dickinson's General Fund to the City of Dickinson Employee Benefits Trust Account as needed to pay premiums as presented by the Insurance Carrier(s). Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance XXX-2016 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING FIRST AMENDED BUDGET FOR THE DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2015-2016; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH FISCAL YEAR AS REFLECTED IN SAID BUDGET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the ordinance by caption only. Council Member Henderson made a motion to approve the ordinance, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

Mayor Masters recessed the Regular Meeting at 8:17 p.m.

ITEM 19.) EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

- A. Section 551.071 – Consultation with Attorney regarding pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.
- B. Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange, Lease or Value of Real Property.

ITEM 20.) RECONVENE

Mayor Masters reconvened the Regular Meeting at 9:06 p.m.

ITEM 21.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

None.

ITEM 22.) ADJOURN

Council Member Wilson made a motion to adjourn the meeting at 9:06 p.m., and Council Member Suderman seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

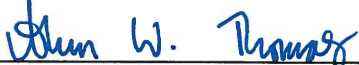
6 AYES (Suderman, Henderson, Wilson, Deats, Decker and King)

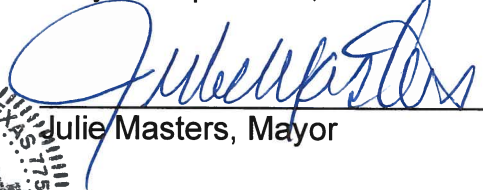
0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 13th day of September, 2016.

ATTEST:


Alun W. Thomas, City Secretary


Julie Masters, Mayor

